

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:13-CR-064-LRH-(WGC)
)
JAMES EDWARD MABY,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on June 30, 2014, defendant JAMES EDWARD MABY pled guilty to Count One of a Two-Count Superseding Indictment charging him with Possession with Intent to Distribute 50 Grams and More of Actual Methamphetamine in violation of Title 21, United States Code, Section 841(a)(1). Superseding Indictment, ECF No. 16; Change of Plea, ECF No. 44; Plea Agreement, ECF No. 45.

This Court finds defendant JAMES EDWARD MABY agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Indictment. Superseding Indictment, ECF No. 16; Change of Plea, ECF No. 44; Plea Agreement, ECF No. 45.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Indictment and the offense to which defendant JAMES EDWARD MABY pled guilty.

...

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) and Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section
3 853:

- 4 1. a Taurus PT140 Millennium, .40 caliber handgun, bearing serial number
5 SA053034;
- 6 2. any and all ammunition; and
- 7 3. UNITED STATES CURRENCY: Fourteen thousand four hundred seventy-five
8 dollars (\$14,475) recovered by law enforcement investigators on or about May 21,
9 2013, from the trunk of a silver Audi convertible occupied by the defendant and
10 from the defendant in the parking lot of 2300 Dickerson Road, Reno, Nevada
11 (all of which constitutes "property").

12 This Court finds the United States of America is now entitled to, and should, reduce the
13 aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
15 United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
17 JAMES EDWARD MABY in the aforementioned property is forfeited and is vested in the United
18 States of America and shall be safely held by the United States of America until further order of the
19 Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
21 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
22 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
23 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
24 name and contact information for the government attorney to be served with the petition, pursuant to
25 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

26 ...

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
2 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
3 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
4 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
5 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
6 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
7 petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
9 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
10 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
11 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
12 official internet government forfeiture site, www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
14 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
15 following address at the time of filing:

16 Greg Addington
17 Assistant United States Attorney
18 100 West Liberty Street, Suite 600
19 Reno, NV 89501

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
21 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
22 following publication of notice of seizure and intent to administratively forfeit the above-described
23 property.

24 DATED this 15th day of July, 2014.

25 
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE